

**REMARKS**

Favorable reconsideration of this application, in light of the preceding amendments and following remarks, is respectfully requested.

Claims 1-9 are pending in this application. By this Amendment, the claim 1 is amended. No new matter is added. Claim 1 is the sole independent claim.

**Claim Rejections - 35 U.S.C. § 102**

Claims 1-9 are rejected under 35 U.S.C. § 102(e) as being anticipated by US Patent No. 6,697,489 ("Candelore"). Applicants respectfully traverse this rejection for the reasons discussed below.

Applicants respectfully submit that the Candelore reference fails to disclose, or even suggest, *inter alia*, "inserting by the user unit, a data block in data blocks of the information transmitted by the second security module to the management center, the data block includes the identifier and the specific information of the first security module previously stored in the user unit," as recited in amended claim 1.

In the outstanding Office Action, the Examiner contends that *col. 7, lines 10-19* of Candelore discloses the step of "inserting by the user unit, of a data block in the blocks transmitted by the second security module to the management center, the data block includes the identifier of the first security module and the stored data specific to the first security module."<sup>1</sup> Applicants respectfully disagree.

In particular, the Candelore reference only discloses a method for securing control words including receiving scrambled digital content in a descrambler IC. The

---

<sup>1</sup> See Office Action mailed June 30, 2009, page 4, first paragraph.

method further includes receiving an encrypted control word in the descrambler IC, decrypting the encrypted control word using a key stored in a register circuit of the descrambler IC, and descrambling the scrambled digital content in the descrambler IC using the decrypted control word.

In fact, col. 7, lines 10-19 states:

When the set top 401 is manufactured and a smart card 410 is installed, the smart card 410 can receive the Unique Key associated with unit 401 at the time of pairing. From then on, the smart card is "paired" to that particular host 401. Later, if the smart card 410 is ever replaced or moved to a new host, the smart card may receive the Descrambler IC Unique Keys in an Entitlement Management Message (EMM). New smart cards with the Unique Keys already programmed into the card may also be delivered to users.

In other words, when a set top box is manufactured and a smart card is installed, the smart card receives a unique key associated with the set top box at the time of pairing. If the smart card is replaced or moved to another set top box, the smart card receives the unique key through an EMM message sent by the head end. The new smart cards may then be provided with the unique keys already programmed into the card.

By contrast, example embodiments of the present invention allow recovery of data from a first security module when the user unit is connected to the management center by using a second security module which replaces the first security module. For example, the data of the first security module including specific information may represent all the data generated locally by the user unit, and unknown to the management center. The specific information may include, e.g., impulse purchases data, several statistical counters relative to the activity of the user unit, as well as information related to the versions of the security module functionalities. During the

connection to the management center, the user unit may produce a data block in which identification will be different from the other blocks coming from the currently used security module. Each block may be constituted by a header having the unique number of security module and data generally enciphered by a key. The data transmitted to the management center will thus include blocks with an identifier of the currently used security module and a block having the identifier of the previously used security module. As such, the Candelore reference does not teach forming by the user unit, a data block and returning to the management center data blocks having a block with specific information of previous installed security module within blocks of the new security module currently in use.

Moreover, example embodiments of the present invention recover data from a first security module when the security module is replaced with a new module, while the Candelore reference is merely used to improve security of control words used to descramble received audio video program data. Therefore, contrary to the Examiner's contention, the Candelore reference does not disclose or suggest each and every element of claim 1.

Since the Candelore reference fails to disclose each and every element of claim 1, it cannot provide a basis for a rejection under 35 U.S.C. § 102(e) and, thus, is allowable. Claims 2-9 depend from amended claim 1 and, therefore, allowable for the similar reasons discussed above with respect to claim 1.

For at least these reasons, the Examiner is respectfully requested to reconsider and withdraw the § 102(e) rejection of claims 1-9.

**Request for Interview**

Applicants respectfully request, prior to the issuance of an action on the merits, that the Examiner grant an interview (in-person or telephonic) with Applicants' representative in order to discuss the Office Action, and the differences between the cited prior art and the subject matter cited in the claims.

Applicants' representative will telephone the Examiner in the near future in an attempt to schedule this personal interview. However, as Applicants' representative cannot anticipate when this action will be scheduled for further action by the Examiner, it is requested that the Examiner contact Applicants' representative by telephone, at the number given below should a specific date for the interview have not been scheduled when the Examiner takes this action up for further action. Every effort will be made to meet the Examiner's scheduling preference.

**CONCLUSION**

In view of the above remarks and amendments, Applicants respectfully submit that each of the pending objections and rejections has been addressed and overcome, placing the present application in condition for allowance. A notice to that effect is respectfully requested. Further, the above remarks demonstrate the failings of the outstanding rejections, and are sufficient to overcome the rejections. However, these remarks are not intended to, nor need they, comprehensively address each and every reason for the patentability of the claimed subject matter over the applied prior art. Accordingly, Applicants do not contend that the claims are patentable solely on the basis of the particular claim elements discussed above.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned, at the telephone number below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKEY, & PIERCE, P.L.C.

By

John A. Castellano, Reg. No. 35,094

P.O. Box 8910  
Reston, Virginia 20195  
(703) 668-8000

JAC/DJC:clc